

Remarks

Claims 1 and 15 have been amended. Claims 1-28 are pending. No new matter was added as a result of this amendment.

Interview Summary

On 31 May 2005, the below signed attorney left a voicemail message for Examiner Gregory W. Mitchell requesting that the Examiner return the call to discuss the outstanding rejection under 35 USC 112. On 02 June 2005 Examiner Mitchell returned the phone call and stated that he would discuss the rejection with his supervisor and call back. On 13 June 2005, Examiner Mitchell called the below signed attorney and stated that the outstanding rejection under 35 USC 112 would be withdrawn. The Examiner also pointed out that claims 1 and 15 should be amended as pointed out at page 10 of the Final Rejection in order to overcome the Double Patenting rejection. The below signed attorney agreed to consider making such amendments to claims 1 and 15.

The above account is believed to be a complete and accurate summary of the telephonic interviews as required by 37 C.F.R. 1.133. If the Examiner believes that this summary is inaccurate or incomplete, Applicant respectfully requests that the Examiner point out any deficiencies in his next communication so that Applicant can amend or supplement the interview summary.

The Rejections

Claims 1-28 were rejected under 35 USC 112, first paragraph. In light of the above referenced telephonic phone interviews, Applicant believes this rejection has been withdrawn. Applicant's attorney thanks the Examiner for the courtesy of the above referenced phone calls and for reconsidering and withdrawing this rejection.

Claims 1-7, 12-21 and 26-28 were rejected under the judicially created doctrine of obviousness-type double patenting. Claims 1 and 15 have been amended as suggested by the Examiner at page 10 of the Final Office Action. Accordingly, it is believed that the grounds for rejection have been obviated. Withdrawal of the rejection is respectfully requested.

Conclusion

Applicants respectfully submit that claims 1-28 are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to contact Applicant's attorney at 952-876-4092 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit any overpayment to Deposit Account Number 50-3503


Respectfully Submitted,

EDMOND J. LAVOIE ET AL.

By their Representatives,

VIKSINIS HARRIS & PADYS PLLP
P.O. Box 111098
Saint Paul, MN 55111-1098
(952) 876-4092

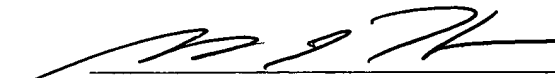
Date 15 June 2005

By 

Robert J. Harris
Reg. No. 37,346

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Attn: Mail Stop AF, Commissioner for Patents, P.O.Box 1450, Alexandria, VA 22313-1450, on this 15th day of June, 2005

Robert J Harris
Name


Signature